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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,646	07/18/2006	Guido Muesch	PHIDE030119US	2630
38107 7590 12/22/2009 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P. O. Box 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
CHAKOUR, ISSAM				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
12/22/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/552,646

Applicant(s)

MUESCH ET AL.

Examiner

ISSAM CHAKOUR

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on August 13, 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/226)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

In view of the appeal brief filed on August 13, 2009, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Rafael Pérez-Gutiérrez/

Supervisory Patent Examiner, Art Unit 2617

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 2-4, 9-11, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Chiu (USPPA 2004/0068756).

3. Consider claims 4, 9, and 11, Chiu teaches a method and an allocating unit for allocating network elements to a wireless network, wherein an allocation unit (e.g., remote controller, see element 400 in figure 1) transmits a code (e.g., control command) to a first network element, which causes the first network element to transmit its ID together with the code so that the latter can be received by a second network element which allocates the first network element to its network (See claim 9, note that the information contains the control command and the associated identification information such as MAC, see [0022] line 7) and wherein the activation of the second network element to receive the encoded ID from the first network element takes place by receiving the code from the allocation unit (See claim 9 lines 12-15, note that the activation process maybe automatic, see abstract 16-18).

4. Consider claims 2 and 10, Chiu discloses the method and its corresponding allocation unit and allocation system in accordance with claims 4, 9, and 15 respectively, wherein the allocation unit transmits an encoded light pulse (See figure 1 and 2, element 400 has an interface 410 that transmit IR light pulse that is encoded see also [0026] line 31).

5. Regarding claim 3, Chiu teaches the method as claimed in claim 4, wherein the allocation unit transmits an encoded radio signal (See [0035]).

6. Consider claim 13, Chiu teaches the allocation unit in accordance with claim 9. Chiu further teaches the allocation unit further including one or more devices which display a respective operating state (See figure 2, e.g., a display device that display operating state in the touch screen pick/drop and start/connect).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(e) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiu as applied to claim 4 above, and further in view of Eyer (USPPA 2004/0155809) with reference to the provisional application Number 60/445,996.

7. Consider claims 5 and 12, Chiu teaches the method and the allocating unit as claimed in claims 4 and 11. Chiu may not teach per initial examination that the allocation unit receives the encoded ID from the first network element and transmit transmits it to the second network element. However, Chiu teaches that the allocation unit transmits a code and ID to the second device. On the other hand, Eyer discloses an allocation unit (e.g., element 504 or IR repeater, see figure 5 on the publication and figure 2 on the provisional) that receives a representation of a code or an encoded packet having among other information ID (e.g., IP packet and AV/C FCP packets) from a first device (e.g. 106 or 102, see figure 5) and then retransmits it to a second device (e.g., device 502, see figure 5). It would have been obvious to one of ordinary skill in the art to modify Chiu's invention such that the allocating unit acts as a repeater as taught by Eyer in order to allow the first device to communicate with second device in the event the communication between the first and second devices is interrupted or not possible or if the communication media are incompatible.

5. Claims 6, 7, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiu in view of Khair et al. (Khair, USPPA 2002/0109621).

8. Regarding claim 6, Chiu discloses the method as claimed in claim 4. Chui may not teach

explicitly that the allocation unit transmits a second code which causes the first network element to leave the network of the second network element. However, Khair discloses a device (e.g. base station) that transmits a second code which causes the first network element (e.g. electrode) to leave the network of the second network element (See paragraph [0109], lines 7-10). It would have been obvious to one of ordinary skill in the art to modify Chiu disclosure to implement a feature that causes for example element 200 in figure 1 of Chiu to leave the network either by disconnecting/turning off the device 200 in order to dismantle the network and dispose its elements for use at a later time.

9. Consider claim 7, Chiu discloses the method as claimed in claim 4. Chiu may not teach that the allocation unit transmits a second code which causes the second network element, which has a network administration function, to break up the network. However, Khair discloses a network element which has a network administration configured to break up the network upon user command. Note that Chiu discloses all network elements as in applicant's claimed invention. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chiu's invention such that the allocating unit transmit a code to a second device element as in Chiu such as the base station disconnecting all the electrodes in its network and thus breaking up the network as in Khair in order to dismantle the network for use at a later time.

10. Consider claim 15, Chiu discloses a system for allocation network devices to a wireless network comprising:

an allocation unit (e.g. element 400 in figure 1) which transmits an encoded code (e.g. control command) in response to a user command (See claim 1);

a unassigned first network device (e.g. device 100 having interface connecting unit 110, see figure 1) which receives the encoded code and transmits an encoded first network device ID with the encoded code in response to the reception of the encoded code (See claim 9, note that the information contains the control command and the associated identification information such as MAC, see [0022] line 7);

a second network device (e.g. device 200 in figure 1), assigned to an existing network (e.g. network 500) and having network administration functions (note that in example of figure 1, element 100 is a server and has administrative functions, see [0022] lines 18-19, however, Chiu teaches that either one of the devices can have administrative functions, see [021] lines 3-5), which second network device receives the encoded first medical network device ID and assigns the first medical network device to the existing network in response to the reception of the encoded code from the allocation unit (See claim 1 on page 5).

Chiu however, does not teach that the network elements are allocation medical network devices. Nonetheless, Khair in the same field of endeavor discloses an application of medical apparatuses or devices connected wirelessly to a network establishing base-station (See abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chiu's invention to be applied to medical devices such sensors on the body of a patient in order to enable a operator of this medical allocating system to readily connect, synchronize, control, and configure the network devices wirelessly and conveniently.

11. Consider claim 16, Chiu discloses the allocation system in accordance with claim 15 respectively, wherein the allocation unit transmits an encoded light pulse (See figure 1 and 2, element 400 has an interface 410 that transmit IR light pulse that is encoded see also [0026] line 31).

6. Consider claim 17, Chiu in view of Khair discloses the system as claimed in claims 15. Chiu further teaches the system wherein the allocation unit transmits an encoded radio signal (See [0035]).

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chiu in view of Khair as applied to claim 6 above, and further in view of Lui et al (US 2002/0180622).

8. Consider claim 8, Chiu in view of Khair teaches the method and the allocating unit as claimed in claim 6. Chiu in view of Khair teaches as mentioned above transmitting a code for removing network elements (e.g., electrode or sensors) or for breaking up the network. However, Chiu in view of Khair does not teach explicitly that the second code for removing network elements or for breaking up the network includes the first code being transmitted over a longer time period or a number of times. Nonetheless, Lui discloses a time based button pressing method for performing a particular function or for controlling a function, he discloses that the second code or command being transmitted is consisted of the first command (pressing the button for a normal short period of time) being transmitted over a longer period of time. . It would have been obvious to one of ordinary skill in the art at the time of the invention to modify

Chiu's invention in view of Khair so that instead of using multiple button for different control functions, the modification would further include Lui's method, because the feature would allow the user to carry a compact remote control with fewest buttons yet with the same functionalities.

9. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chiu in view of Lui et al (US 2002/0180622).

10. Consider claim 14, Chiu teaches the allocating unit as claimed in claim 9. Chiu teaches as mentioned above transmitting a code for removing network elements (e.g. electrode or sensors) or for breaking up the network. However, Chiu does not teach explicitly that the second code for removing network elements or for breaking up the network includes the first code being transmitted over a longer time period or a number of times. Nonetheless, Lui discloses a time based button pressing method for performing a particular function or for controlling a function, he discloses that the second code or command being transmitted is consisted of the first command (pressing the button for a normal short period of time) being transmitted over a longer period of time. . It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Chiu's invention so that instead of using multiple button for different control functions, the modification would further include Lui's method, because the feature would allow the user to carry a compact remote control with fewest buttons yet with the same functionalities.

Response to Arguments

Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ISSAM CHAKOUR whose telephone number is (571) 270-5889. The examiner can normally be reached on Monday-Thursday (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Perez Rafael can be reached on (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/I. C./
Examiner, Art Unit 2617

/Rafael Pérez-Gutiérrez/
Supervisory Patent Examiner, Art Unit 2617